

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JUAN JOSE SALGUERO, OLVIN RAMON
RODRIGUEZ, ALICIA RIVERIA GARCIA,
THANIA VELASCO, CARLOS ROBERTO
GARCIA, and YOVANY SIFORTES PINTO, on
behalf of themselves and all others similarly situated,

Civil Action No.: 12-CV-0635
(JFB)(AKT)

Plaintiffs,

-against-

JVK OPERATIONS LIMITED, VINOD SAMUEL,
and MICHAEL CONNELL,

Defendants.

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**MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT, CONDITONAL
CERTIFICATION OF THE SETTLEMENT CLASS, APPOINTMENT OF PLAINTIFFS'
COUNSEL AS CLASS COUNSEL, AND APPROVAL OF PLAINTIFFS' PROPOSED
NOTICE OF SETTLEMENT AND CLASS ACTION SETTLEMENT PROCEDURE**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of the Settlement, Provisional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of Plaintiffs' Proposed Notice of Settlement and Class Action Settlement procedure ("Motion for Preliminary Approval") and in the Declaration of James W. Versocki in Support of Plaintiffs' Motion for Preliminary Approval ("Versocki Dec."), Plaintiffs respectfully request that the Court enter an Order:

- (1) granting preliminary approval of the Joint Settlement and Release ("Settlement Agreement"), attached as Exhibit A to Versocki Dec.;
- (2) conditionally certifying the following settlement class under Fed. R. Civ. P. 23(a) and (b)(3) for purposes of effectuating the settlement:

shall mean all persons who have worked for defendants JVK Operations Limited, Vinod Samuel and Michael Connell ("JVK") as hourly, non-exempt employees on the production and distribution lines of the JVK facility located in Amityville, New York (excluding drivers, supervisors, and management personnel) anytime between February 9, 2006 and March 31, 2012.

- (3) appointing Archer, Byington, Glennon & Levine LLP as Class Counsel;
- (4) approving Plaintiffs' Proposed Notice of Proposed Settlement of Class Action

Lawsuit and Fairness Hearing, attached hereto as Exhibit "A," and directing its distribution;

- (5) approving Plaintiffs' proposed schedule for final settlement approval;
- (6) granting such other, further, or different relief as the court deems just and proper.

* * *

Plaintiffs have contemporaneously submitted a Proposed Order, attached hereto as Exhibit "B" for the Court's convenience.

Dated: Melville, New York
August 15, 2013

Respectfully submitted,

ARCHER, BYINGTON, GLENNON & LEVINE LLP

By: /s/ James W. Versocki

James W. Versocki

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